

**CITY OF MILPITAS PLANNING COMMISSION
AGENDA FOR OCTOBER 22, 2008
CITY HALL COUNCIL CHAMBERS 7:00 P.M.
455 E. CALAVERAS BLVD., MILPITAS, CA 95035
(408) 586-3279**

- I. PLEDGE OF ALLEGIANCE**
- II. ROLL CALL**
- III. PUBLIC FORUM**

Members of the audience are invited to address the Planning Commission on any subject not on tonight's agenda. Speakers must come to the podium, state their name and address for the Secretary's record, and limit their remarks to under three minutes. As an unagendized item, no response is required of the City staff or the Commission; however, the Commission may agendize the item for a future meeting.

- IV. APPROVAL OF MINUTES:** October 8, 2008
- V. ANNOUNCEMENTS**
- VI. ANNOUNCEMENT OF CONFLICT OF INTEREST**
- VII. APPROVAL OF THE AGENDA**
- VIII. CONSENT CALENDAR (Items with an asterisk *)**

The consent calendar items are considered to be routine and will be considered with one public hearing and adopted by one motion. There will be no separate discussion of these items unless a member of the Planning Commission, member of the audience, or staff requests the Planning Commission to have an item removed from or added to the consent calendar. Any person desiring to speak on any item on the consent calendar should ask to have that item removed from the consent calendar. If removed, this item will be discussed in the order in which it appears on the agenda.

IX. PUBLIC HEARING

- * 1. CONDITIONAL USE PERMIT AMENDMENT NO. UA08-0004:** A request to amend Special Condition of Approval No. 11 to allow the installation of shades for storefront windows for a previously approved karaoke establishment located at 788 Barber Lane (APN 86-01-035), zoned General Commercial. Applicant: Joe Zhang. Staff Contact: Cindy Hom (408) 586-3284. PJ# 2465. *(Recommendation: Adopt Resolution No. 08-056 approving the project subject to conditions of approval.)*
- 2. GENERAL PLAN AMENDMENT NO. GP2007-6, ZONE CHANGE NO. ZC2007-3, ENVIRONMENTAL ASSESSMENT NO. EA2007-1, MAJOR TENTATIVE MAP NO. MT08-0003, SITE DEVELOPMENT PERMIT NO. SZ2007-2 AND CONDITIONAL USE PERMIT UP08-0041:** A request to change the land use and zoning designations of the approximately three-acre project site located at 600 Barber Lane (formerly Billings Chevrolet). The proposed project also involves the redevelopment of the site with an 18-story mixed-use building with an attached 8-level parking garage. The mixed-use building and parking garage is proposed to be approximately 277 and 115 feet in height, respectively. The mixed-use building includes 148,805 gross square feet of retail (floors 1-3), 48,960 gross square feet of office (floor 4) and 375 residential condominium units (floors 5-18). The proposed project includes amendments to the City of Milpitas General Plan and Zoning Map. A conditional use permit is

requested for exceptions to the side/rear setbacks and parking standards. An Environmental Impact Report has been prepared for this project and includes over-riding considerations to adopt. (APN: 086-01-034), zoned General Commercial with a Site and Architectural Overlay (C2-S). Applicant: TP Pham LLC. Staff Contact: Judie Gilli, (408) 586-3280. PJ# 3214. *(Recommendation: Adopt Resolution No. 08-043 approving the project subject to conditions of approval.)*

3. **ZONING AMENDMENT ZA08-0010, PARKING ORDINANCE AMENDMENTS:** A request to amend the City of Milpitas Parking regulations regarding the amount of parking required, parking design standards and formatting changes to the section. The section affects parking for all zoning districts and uses within the City. The proposed changes would affect new or remodel projects. Staff Contact: Sheldon S. Ah Sing (408) 586-3278. *(Recommendation: Close the public hearing following public testimony; and adopt Resolution No. 08-058 recommending approval of the amendments to the City Council.)*
4. **ZONING AMENDMENT ZA08-0007:** A request to amend the City of Milpitas Zoning Ordinance Sections 10-6 and 10-19 to allow Massage Services as a Conditionally Permitted Use requiring a Conditional Use Permit in the Mixed Use (MXD, MXD2 and MXD3) and General Commercial (C2) Districts, to remove Massage establishments as a prohibited use and to amend Section 10-13.03 Accessory Uses, to include massage of hands and feet as an accessory use to commercial services. Applicant: Philip Su. Staff Contact: Julie Moloney (408) 586-3384. PJ # 2539. *(Recommendation: Close the public hearing following public testimony; and adopt Resolution No. 08-057 recommending adoption of the Zoning Text Amendments to the City Council.)*

X. OLD BUSINESS

- * 5. **CONDITIONAL USE PERMIT NO. UP08-0013 AND SITE DEVELOPMENT PERMIT AMENDMENT NO. SA08-0013 (CONTINUED FROM SEPTEMBER 24, 2008):** A request to install a 45-foot tall double-sided, multi-paneled internally illuminated freestanding sign and approve a master sign program for Dixon Landing Plaza located at 1545-1551 California Circle (APN: 022-37-040 and 049), zoned Industrial Park. Applicant: Tom Whitson, Arrow Sign Company. Staff Contact: Cindy Hom (408) 586-3284. PJ# 2521. *(Recommendation: Adopt Resolution No. 08-052 approving the project subject to conditions of approval.)*

Any person aggrieved by any final decision of any, board, commission, or department head to the City of Milpitas may appeal the decision to the City Council by filing written notice of the appeal with the City Clerk within twelve (12) calendar days of the date of said decision and paying the required fee. This time limit shall be strictly enforced.

XI. ADJOURNMENT

THE NEXT PLANNING COMMISSION MEETING IS November 12, 2008

The Planning Division will provide a recorded agenda or minutes on standard cassette or printed in large type upon request for the visually impaired. In compliance with the Americans with Disabilities act, individuals requiring accommodation for this meeting should notify the Planning Division prior to the meeting at (408) 586-3279, TDD (408) 586-3013.

MILPITAS PLANNING COMMISSION SUBCOMMITTEE

The Planning Commission Subcommittee consists of two members (currently Sudhir Mandal-regular member, Larry Ciardella-regular member, Gurdev Sandhu - alternate member) of the Planning Commission, who have approval authority for Minor Site Development Permits and other minor project reviews not involving public hearings. **This project review will be held at 6:30 P.M. in the City of Milpitas Committee Conference Room, First Floor, 455 E. Calaveras Boulevard.**

- a. **MINOR SITE DEVELOPMENT PERMIT NO. MA08-0011:** A request to modify the building elevations for the Paragon residential project located at 1696 S Main Street. (APN: 086-34-017) Zoned Multi-family Residential with Site and Architectural Overlay (R4-S). Applicant: DR Horton. Staff Contact: Cindy Hom, 408-586-3284. *(Recommendation: Approve Minor Site Development No. MA08-0011 subject to the Conditions of Approval.)*

KNOW YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and the City operations are open to the people's review. Materials related to an item on this agenda submitted to the Planning Commission after initial distribution of the agenda packet are available for public inspection at the Planning Department at Milpitas City Hall, 455 East Calaveras Boulevard, Milpitas, CA 95035 during normal business hours. **FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE OPEN GOVERNMENT SUBCOMMITTEE** at the City Attorney's office at the Milpitas City Hall, 455 E. Calaveras Blvd, Milpitas, CA 95035.
E-mail: mogaz@ci.milpitas.ca.gov
Fax: (408) 586-3030
Phone: (408) 586-3040

A free copy of the Open Government Ordinance is available from the City Clerk's Office or by visiting the City's website www.ci.milpitas.ca.gov Select Open Government Ordinance under News Features